



WEB COPY



W.P.No.36081 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.36081 of 2023
and W.M.P.Nos.36043 and 36045 of 2023

M.Sathishkumar

...Petitioner

-Vs-

1.The Collector,
Thiruvarur District,
Thiruvarur.

2.The Revenue Divisional Officer,
Thiruvarur,
Thiruvarur District.

3.The Tahsildar,
Nannilam Taluk,
Thiruvarur District.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records pertaining to the Proceedings bearing No.R.C.No.2880/2022/A2 dated -.09.2022 (signed on 23.09.2022) on the file of the third respondent, quash the same.

For Petitioner : Mr.R.Selvakumar

For Respondents : Mr.S.Arumugam
Government Advocate



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ORDER

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2. Heard the learned counsel on either side and perused the materials available on record.

3. The Hon'ble Supreme Court, in the case of ***Ajay Kumar Choudhary v. Union of India***, reported in ***(2015) 7 SCC 291***, had set certain guidelines with regard to prolonged suspension. On a reference made by this Court, the Hon'ble Full Bench of this Court, in the case of ***P.Kannan Vs. Commissioner of Municipal Administration and others*** reported in ***(2022) 2 CTC 353***, had held that the judgement of the Apex Court, in the case of ***Ajay Kumar Choudhary (supra)***, does not lay down an absolute proposition of law that an order of suspension cannot be continued beyond the period of three months on the circumstances mentioned therein and that the order of suspension should be analysed on the facts of each case, considering the gravity of charges and the Rules applicable. It was further held that the revocation of the suspension with a direction to the employer to post the delinquent in a non-sensitive post, as



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held in *Ajay Kumar Choudhary's case (supra)*, also cannot be endorsed or directed as a matter of course.

4. In line with the orders passed by the Hon'ble Supreme Court of India, as well as the Hon'ble Full Bench of this Court, the Government, in G.O.(Ms) No.81, Human Resources Management (N) Department, dated 04.08.2022, had stipulated a compendium of instructions for review of suspension orders in matter which are pending enquiry into grave charges.

5. On consideration of these instructions in G.O.(Ms) No.81, this Court is of the view that the respondents herein could be directed to review the order of suspension, in accordance with the guidelines issued thereunder.

6. In the light of the above findings, there shall be a direction to the first and second respondents herein to consider the petitioner's representation if any, in accordance with the instructions issued by the Government in G.O.(Ms).No.81, dated 04.08.2022, and pass appropriate orders, within a period of two weeks from the date of receipt of a copy this order.



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7. With the above directions, this writ petition is disposed of.

Consequently connected Miscellaneous petitions are closed. There shall be no order as to costs.

04.01.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order
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To

- 1.The Collector,
Thiruvarur District,
Thiruvarur.
- 2.The Revenue Divisional Officer,
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Thiruvarur District.
- 3.The Tashildar,
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G.K.ILANTHIRAIYAN. J,

mn

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